

<b>Policies and Procedures</b>
<b>POLICY:</b> Minimum Necessary
<b>Policy #12</b>
<b>Effective Date:</b> April 2, 2014

**Purpose:** This policy establishes the minimum necessary standard for requesting, using, and disclosing Protected Health Information through the ILHIE. Participants cannot request, use or disclose Protected Health Information through the ILHIE other than for Permitted Purposes.

**Policy:**

- 1.0 Minimum Necessary.** Consistent with HIPAA, Participants and the ILHIE Authority, when it is a Business Associate to Participants, shall make reasonable efforts to request, use and disclose only the minimum necessary Protected Health Information through the ILHIE to accomplish the Permitted Purpose for which such Protected Health Information is requested, used or disclosed.
  - 1.1** Each Participant shall develop and maintain appropriate written policies and procedures to limit unnecessary or inappropriate requests, use and disclosure of Protected Health Information through the ILHIE by the Participant's Authorized Users and to limit requests, uses and disclosures of Protected Health Information through the ILHIE to only the minimum necessary needed by such Authorized Users to perform their job functions or duties consistent with the Participant's Authorized User access control policy.
- 2.0 Treatment Exception.** The minimum necessary obligations set forth in this Policy and Procedure do not apply to the request, use, or disclosure of Protected Health Information by a Participant for Treatment purposes as defined under HIPAA, including but not limited to the coordination, or management of health care and related services by one or more health care providers, including the coordination or management of health care by a health care provider with a third party, consultation between health care providers relating to an Individual, or the referral of an Individual for health care from one health care provider to another.
- 3.0 Disclosures.** A Participant may rely on the scope of an Other Participant's request for Protected Health Information as being consistent with the Other Participant's minimum necessary policy and Applicable Law.
- 4.0 Application to Health Plans.** A Participant that is a health plan shall access and use Protected Health Information of Another Participant only for Payment purposes as defined under HIPAA.
  - 4.1** Participants that are health plans shall request and use only the minimum necessary Protected Health Information when using information for Payment purposes.

**5.0 Compliance.** Participant shall comply with these Policies and Procedures. The ILHIE Authority shall monitor and enforce compliance with and adherence to these Policies and Procedures.

**5.1** Participant shall cooperate with the ILHIE Authority in its monitoring and enforcement of the Participant's compliance with these Policies and Procedures.

**Associated Policies and References:**

45 C.F.R §164.502(b)

45 C.F.R §164.514(d)

Data Sharing Agreement

Enforcement

Sanctions

User Authorization

**Definitions**

Authorized Users

Health Care Provider

HIPAA

Participants

Payment

Permitted Purposes

Protected Health Information

Minimum Necessary

Treatment